IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 372 of 2003

Between:

T.Venkateswara Rao, S/o T.V.Achuta Rao,

Hindu, Male, aged about 35 yrs,

R/o D.No.44-27-14/A, Railway New colony,

Visakhapatnam.

..... PETITIONER

AND

1. The District and Sessions Judge, Visakhapatnam.

2. The Registrar (Administration), High Court

of A.P., Hyderabad.

3. The Disciplinary Authority, (Asst. General

Manager, State Bank of Hyderabad, Regional

Office, Visakhapatnam.

4. State Bank of Hyderabad, reptd. By its Deputy

General Manager, Zonal Office, Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the impugned orders in Roc.No.128/2001, CII/I dated 29.10.2002 passed by the 2nd respondent confirming the order in P.R.No.149-A/2000 dated 02.07.2001 passed by the 1st respondent and also the order passed by the 4th respondent in ZO(V)/DP/F.38/3522 dated 23.09.2002 modifying the punishment from dismissal to discharge from service of the order passed by the 3rd respondent in L.R.No.R.1/GR.I/2813 dated 20.07.2000 as illegal, arbitrary, capricious and shockingly disproportionate and set aside the said impugned orders and consequently, to direct the respondents to reinstate the petitioner into service either in the judicial department of respondents 1 and 2 or in the alternative in the Bank of the respondent No.3 with all attendant benefits continuity of service etc.

Counsel for the Petitioner: SMT N (P) ANJANA DEVI

Counsel for the Respondents: MR.C.V.NAGARJUNA REDDY

The Court made the following:

ORDER:

None for the petitioner despite one pass over.

Petitioner has challenged the order passed on 29.10.2002 by the second respondent confirming the order passed by the first respondent on 02.07.2001 and also the order passed by the fourth respondent on 23.09.2002 modifying the punishment from dismissal to discharge from service. The petitioner seeks reinstatement into service after setting aside of the impugned orders.

Petitioner was appointed as Attender temporarily by an order dated 30.12.1989 and was posted to act as Attender in the Special Court for CBI Cases, Visakhapatnam. The Special Judge for CBI Cases, Visakhapatnam, in his letter dated 13.05.1999 pointed out that the petitioner has submitted his resignation letter on 03.09.1998 and before that he had worked as regular Class-IV employee from 03.01.1990 to 02.09.1998 continuously. Subsequently, it transpired through correspondence made with the Assistant General Manager, State Bank of Hyderabad, Seetampet Branch, Viskhapatnam, that the petitioner was appointed on 1/3rd scale wages as Sweeper-cum-Peon with effect from 04.01.1994 and on half scale from 07.02.1996; and ¾ scale from 08.06.1998 and on full wages from 01.08.1998 in

the State Bank of Hyderabad. Thus, the petitioner had taken dual employment both in the judicial department as well as in the State Bank of Hyderabad simultaneously. Show-cause notice was issued to the petitioner on 30.04.1999 that why the pay and allowances drawn by the individual during the period 04.01.1994 to 02.09.1998 be not recovered. An application was also filed by the petitioner on 07.05.1999 requesting to permit him to withdraw the resignation letter dated 03.09.1998. A preliminary enquiry was directed to be conducted. Report of preliminary enquiry revealed that the petitioner was in job in Class-IV cadre in judicial department and during the course of his employment he had taken up another job simultaneously with the State Bank of Hyderabad. Charges were framed and the petitioner was proceeded against departmentally. Enquiry officer was appointed. On submission of the enquiry report, it was served upon the petitioner who submitted his representation and ultimately on 02.07.2001 order was passed imposing penalty of compulsory retirement with immediate effect for the grave misconduct. Petitioner no where denies the fact that he had not undertaken the dual job. Therefore, there is hardly any ground to interfere with the punishment imposed by the respondents 1 and 2. Petitioner simultaneously is questioning the penalty of discharge from service imposed on him by the third and fourth respondents. To set-aside the said order, there is hardly any material on record justifying interference in the matter when respondent No.3 passed an order of discharge against the petitioner from service. There is no force in the writ petition and there is also no ground to take a more lenient view than the one taken by the respondents.

The writ petition is accordingly dismissed.

(DEVINDER GUPTA, CJ)

16.02.2005

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(B.SESHASAYANA REDDY, J)

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To

1. The District and Sessions Judge, Visakhapatnam.

2. The Registrar (Administration), High Court

of A.P., Hyderabad.

3. The Disciplinary Authority, (Asst. General

Manager, State Bank of Hyderabad, Regional

Office, Visakhapatnam.

4. The Deputy General Manager, State Bank of Hyderabad,

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